

Public Records Request
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612
submitted via portal

Our ref.
BC-V479034-v2

Date
2019-07-03

RE: CPRA/Sunshine Ordinance – BC-V479034-v2– Electronic Communications Audit

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

We request under the Oakland Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the City of Oakland (the “local agency” under CPRA). Our request BC-V479034 is cancelled and replaced by the request below, BC-V479034-v2.

Please provide only those copies of records available **without any fees**. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

We remind you of your obligations to provide electronic records in the original format you hold them in. If you choose to convert emails, for example, to PDF format, to easily redact them, you must ensure that you have preserved the full content of the original email record, which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable. Please review your obligations to provide public records that are on private accounts/devices per City of San Jose v Superior Court (Smith, real party in interest, 2017).

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of Ordinance and/or CPRA, and we may challenge your decision at the Public Ethics Commission, judicially, and/or via any other remedies available to us.

Note: Your local Sunshine Ordinance appears to purport to delay our seeking of judicial review until after we exhaust certain local administrative appeals processes. While that may apply to specific benefits accorded by the Sunshine Ordinance, it cannot prohibit us from seeking immediate judicial review under Cal Govt Code 6258 to enforce our CPRA rights. Your local ordinance cannot reduce our rights under State law.

You must justify and minimize all withholding. You must also provide a determination under the CPRA, for each of our individual requests below whether or not you: have NO responsive records, DISCLOSED ALL responsive records, WITHHELD ALL responsive records, or DISCLOSED SOME and WITHHELD SOME records. While you are not required under CPRA to create any new records, for your convenience Exhibit A is a matrix of all the records we have requested by official that you may use to indicate your CPRA determination.

The CPRA does not require me to provide my name or use any particular form to make a request. I will remain anonymous.

Provide records in a rolling fashion. Do not wait for all records to be available. I look forward to your prompt disclosure, and a response within 10 calendar days.

PART 1 – Email

If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example an official may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
4. District 3 Councilmember, Lynette Gibson McElhaney
5. District 4 Councilmember, Sheng Thao
6. District 5 Councilmember, Noel Gallo
7. District 6 Councilmember, Loren Taylor
8. District 7 Councilmember, Larry Reid
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12. City Clerk, LaTonda Simmons
13. City Auditor, Courtney Ruby
14. Deborah Barnes , Director, Contracts and Compliance
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16. CIO, Andrew "Pete" Peterson
17. Jason Mitchell, Director of Public Works
18. Darlene Flynn, Director, Department of Race and Equity
19. William Gilchrist, Director, Planning and Building
20. Ryan Russo, Director, Transportation
21. Artisha McCullough
22. Katano Kasaine, Director, Finance
23. Maraskeshia Smith, Asst. City Administrator / Acting Director, Housing & Community Development
24. Louansee Moua
25. Miya Saika Chen
26. Kellie Johnson
27. Monica Barra-Gibson
28. Brandon Baranco
29. Joe DeVries
30. Alexandria McBride

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
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D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any oaklandca.gov OR oaklandnet.com email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
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30. Alexandria McBride

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any oaklandca.gov OR oaklandnet.com email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Rebecca Kaplan, Councilmember At Large
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PART 2 – Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
4. District 3 Councilmember, Lynette Gibson McElhaney
5. District 4 Councilmember, Sheng Thao
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
4. District 3 Councilmember, Lynette Gibson McElhaney
5. District 4 Councilmember, Sheng Thao
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1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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23. Maraskeshia Smith, Asst. City Administrator / Acting Director, Housing & Community Development
24. Louansee Moua
25. Miya Saika Chen
26. Kellie Johnson
27. Monica Barra-Gibson
28. Brandon Baranco
29. Joe DeVries
30. Alexandria McBride

L. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
4. District 3 Councilmember, Lynette Gibson McElhaney
5. District 4 Councilmember, Sheng Thao
6. District 5 Councilmember, Noel Gallo
7. District 6 Councilmember, Loren Taylor

8. District 7 Councilmember, Larry Reid
9. Chief of Police, Anne E. Kirkpatrick
10. City Attorney, Barbara J. Parker
11. City Administrator, Sabrina Landreth
12. City Clerk, LaTonda Simmons
13. City Auditor, Courtney Ruby
14. Deborah Barnes , Director, Contracts and Compliance
15. Darin White, Fire Department Chief
16. CIO, Andrew "Pete" Peterson
17. Jason Mitchell, Director of Public Works
18. Darlene Flynn, Director, Department of Race and Equity
19. William Gilchrist, Director, Planning and Building
20. Ryan Russo, Director, Transportation
21. Artisha McCullough
22. Katano Kasaine, Director, Finance
23. Maraskeshia Smith, Asst. City Administrator / Acting Director, Housing & Community Development
24. Louansee Moua
25. Miya Saika Chen
26. Kellie Johnson
27. Monica Barra-Gibson
28. Brandon Baranco
29. Joe DeVries
30. Alexandria McBride

PART 3:

A. an electronic copy, in the original electronic format, with all invitee lists, invitation statuses (accepted/denied), headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 weeks of the CALENDAR of each OFFICIAL government account(s) of the following person.

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
4. District 3 Councilmember, Lynette Gibson McElhaney
5. District 4 Councilmember, Sheng Thao
6. District 5 Councilmember, Noel Gallo
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19. William Gilchrist, Director, Planning and Building
20. Ryan Russo, Director, Transportation
21. Artisha McCullough

22. Katano Kasaine, Director, Finance
23. Maraskeshia Smith, Asst. City Administrator / Acting Director, Housing & Community Development
24. Louansee Moua
25. Miya Saika Chen
26. Kellie Johnson
27. Monica Barra-Gibson
28. Brandon Baranco
29. Joe DeVries
30. Alexandria McBride

B. an electronic copy, in the original electronic format, with all invitee lists, invitation statuses (accepted/denied), headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 weeks of the CALENDAR of all PERSONAL account(s) of the following person, solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such calendars exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Rebecca Kaplan, Councilmember At Large
2. District 1 Councilmember, Dan Kalb
3. District 2 Councilmember, Nikki Fortunato Bas
4. District 3 Councilmember, Lynette Gibson McElhaney
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26. Kellie Johnson
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28. Brandon Baranco
29. Joe DeVries
30. Alexandria McBride

PART 4: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,

Anonymous requestor

encl: Exhibit A - CPRA Determination Matrix

Sample CPRA Determination (you do not have to use this sheet, but you may for convenience)

Fill each box with: N - no responsive records; A - disclosed all resp. records; W - withheld all resp. records; S - disclosed some + withheld some (ex. redacted) resp. records

[illegible]